

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ROBERT LEE STINSON,

Plaintiff,

v.

Case No. 2:09-cv-1033-PP

JAMES GAUGER, et al.,

Defendants.

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**PLAINTIFF'S MOTION IN LIMINE NO. 14 TO BAR REFERENCE TO  
COLLATERAL SOURCE PAYMENTS**

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Now comes Plaintiff, Robert Lee Stinson, by and through his counsel, Loevy & Loevy, and respectfully requests an order barring collateral source evidence. In support thereof, Plaintiff states as follows:

After the State Claims Board declared that Mr. Stinson was innocent by clear and convincing evidence, he received approximately \$115,000 in statutory compensation from the State of Wisconsin. *See* Exhibit 85 (Wisconsin Claims Board Decision).

Collateral source testimony is inadmissible, and evidence of payments from an independent source may not be relied on by the Defendants. *Halek v. United States*, 178 F.3d 481, 483 (7th Cir. 1999); *Hathaway v. New Dimension Ctr For Cosmetic Surgery*, No. 03 C 5848, 2006 WL 897899, at \*1 (N.D. Ill. Apr. 4, 2006) (Der-Yeghiayan, J.) (“the benefits received by the injured party from a source independent of, and collateral to, the tortfeasor will not diminish damages otherwise recoverable from the tortfeasor”) (internal citations and quotations marks omitted); *Couch v. Village of Dixmoor*, No. 05 C 963, 2006 WL 3409153, at \*3 (N.D. Ill. Nov.

27, 2006).

Just as the Defendants have requested that collateral source payments be barred—there, the fact of Dr. Johnson’s insurance (*See* Dckt No. 226)—so too should Plaintiff’s collateral source payments from the State Claims Board decision.

WHEREFORE, Plaintiff respectfully requests an order barring collateral source evidence.

Respectfully submitted,

/s/ Heather Lewis Donnell  
One of Plaintiff’s Attorneys

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**CERTIFICATE OF SERVICE**

I, Heather Lewis Donnell, an attorney, certify that on June 16, 2019, I filed a copy of the Plaintiff’s Motion In Limine No. 14 To Bar Reference To Collateral Source Payments.

/s/ Heather Lewis Donnell